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PLEASE REPLY TO: (X) POUGHKEEPSIE
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April 8, 2016

Hon. Therese Wiley Dancks
U.S. Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7436
Syracuse, New York 13261-7346

RE: Leflore v. Correctional Medical Care, Inc., et al.
Index No.: 9:14-CV-932 (GTS/TWD)
Our File No. 3527

Dear Judge Dancks:

The Defendants respectfully oppose the Plaintiff's request for a motion conference pertaining to a motion to amend the Complaint to add new causes of action and new theories of liability, specifically State law malpractice claims, to this case. Such claims are time barred, as the conduct at issue occurred in July-September 2013 (CPLR 214-a).

As the Court is further aware, both the Civil Case Management Plan (Docket #33) and the Uniform Pretrial Scheduling Order (Docket #40) specifically state that the deadline for motions to amend the pleadings was May 15, 2015. The Plaintiff's request for a motion conference, therefore, comes nearly a year after the expiration of the deadline for the proposed motion.

Furthermore, as the Court is well aware, the discovery deadlines in this matter have been extended twice by this Court (Docket #65 and #88), with the last Order of this Court on March 11, 2016 specifically stating that no further extensions will be granted. All depositions of the plaintiff and the medical providers are completed. Presently the schedule is for expert rebuttal by May 16, 2016, and experts' depositions are to be accomplished by June 30, 2016. The plaintiff's proposal to add new causes of action at this juncture, therefore, at the very tail end of an already protracted discovery schedule, and necessitating additional discovery would be unfairly prejudicial to the defense and create unacceptable further delay in this matter.

We thank the Court for its consideration of the foregoing.

Respectfully submitted,

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cc Law Office of Jessica M. Gorman